

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Case No.: 22-CV-22538-ALTMAN/REID

Pierce Robertson, et al., on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

Mark Cuban, Dallas Basketball Limited, d/b/a  
Dallas Mavericks,

Defendants.

/

**PLAINTIFFS' NOTICE OF FILING RELEVANT MATERIALS REGARDING  
PLAINTIFFS' REQUEST FOR BRIEF EXTENSION OF TIME**

Plaintiffs respectfully file these few materials to the Court to provide additional, necessary context to their pending request for a brief extension of time. Defendants took the unorthodox and unusual procedure of emailing Your Honor directly, citing a lack of a meet and confer before Plaintiffs filed their motion, so attached are the materials that necessitated its filing.

1. Defendants filed their Motion to Dismiss, attaching Declarations of Mark Cuban and Matt Wojciechowski, both made under penalty of perjury.

2. Plaintiffs Response to the Motion to Dismiss was due Friday, December 2nd, 2022.

3. Plaintiffs wrote to Defense counsel on Tuesday, November 29th, 2022, requesting a brief extension of time to file their Response until after they could depose the two declarant employees whose testimony Defendants directly rely upon in support of their Motion to Dismiss. Plaintiffs have serious questions as to the truthfulness of these sworn allegations. **See Exhibit A.**

4. Defendants did not write back until Thursday afternoon, December 1st, 2022, at 3:09pm, stating they would consent to Plaintiffs' request for an extension but "we **condition** our consent on your agreement that you will **waive any right** to take the deposition of either Mr. Cuban or Mr. Wojciechowski prior to the submission of your opposition papers." **See Exhibit B.**

5. Plaintiffs then filed their Motion for Brief Extension of Time to Respond to Defendants' Motion to Dismiss on December 1<sup>st</sup>, 2022, at 7:10pm, due to the pending deadline.

Dated: December 3, 2022

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

Barbara C. Lewis

barbara@moskowitz-law.com

Florida Bar No. 118114

**THE MOSKOWITZ LAW FIRM, PLLC**

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/ David Boies

David Boies

(Admitted *Pro Hac Vice*)

**BOIES SCHILLER FLEXNER LLP**

333 Main Street

Armonk, NY 10504

Phone: (914) 749-8200

dboies@bsflp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Hon. Ursula Ungaro (Ret.)

Florida Bar No. 200883

**BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsflp.com

uungaro@bsflp.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed on December 3, 2022, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

Florida Bar No. 984280